

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

City of Charleston

Plaintiff(s)

vs.

Purdue Pharma L.P., et al

Defendant(s)

Submitted By: Sandra J. SennAddress: Senn LegalPO Box 12279Charleston, SC 29422-2279

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019 -CP - 10 - 4294SC Bar #: 15036Telephone #: (843) 556-4045Fax #: (843) 556-4046

Other: _____

E-mail: sandy@sennlegal.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) _____
Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) _____ | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) _____
Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) _____
Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) _____
<input type="checkbox"/> Sexual Predator (510)
<input type="checkbox"/> Permanent Restraining Order (680)
<input type="checkbox"/> Interpleader (690) | <input type="checkbox"/> Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) _____
Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Incapacitated Adult Settlement (790)
<input type="checkbox"/> Other (799) _____ | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) _____
Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) _____ |
|---|--|---|---|

Submitting Party Signature: _____

Date: 8/15/19

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

IN RE: SOUTH CAROLINA OPIOID LITIGATION

This document relates to:

City of Charleston v. Purdue Pharma L.P. et al.,

Case No. _____

Honorable Perry H. Gravely

SUMMONS

TO THE FOLLOWING DEFENDANTS:

Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Rhodes Technologies; Rhodes Technologies Inc.; Rhodes Pharmaceuticals L.P.; Rhodes Pharmaceuticals Inc.; P.F. Laboratories, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil- Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Noramco, Inc.; Depomed, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; Allergan plc f/k/a Actavis plc; Allergan Finance LLC f/k/a Actavis, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Insys Therapeutics, Inc.; Mallinckrodt plc; Mallinckrodt LLC; SpecGX LLC; Mylan Pharmaceuticals, Inc.; Amneal Pharmaceuticals LLC; Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals of New York, LLC; KVK-Tech, Inc.; Sandoz, Inc.; West-Ward Pharmaceutical Corp.; McKesson Corporation; Cardinal Health, Inc.; AmerisourceBergen Drug Corporation; Smith Drug Company; Omnicare Distribution Center LLC; North Carolina Mutual Wholesale Drug Company Inc.; Miami-Luken; Rite Aid of South Carolina, Inc.; Walgreen Co.; Wal-Mart Stores East LP; Wal-Mart Stores, Inc.; CVS Pharmacy, Inc.; CVS Health Corporation; The Kroger Co.; Kroger Limited Partnership I; Kroger Limited Partnership II; Kroger Pharmacy; Leavis Sullivan; Leigh Varnadore; Paul Kitchin; Beth Taylor; Mark Waldrop; Michael Madden; Wendy Kay; Jeffrey Ward; Aathirayen Thiyagarajah; Pain and Spine Consultants, PA.; Oaktree Medical Center, P.C.; Pain Management Associates of the Carolinas, LLC; Pain Management Associates of North Carolina, P.C.; Blake Leche; Amanda Leche; Richard S. Sackler; Jonathan D. Sackler; Mortimer D.A. Sackler; Kathe A. Sackler; Ilene Sackler Lefcourt; Beverly Sackler; Theresa Sackler; David A. Sackler; Trust for the Benefit of Members of the Raymond Sackler Family; and Stuart D. Baker.

YOU ARE HEREBY SUMMONED and required to answer the Short Form Complaint in this action, a copy of which is attached hereto and herewith served upon you, and to serve a copy of your answer to same upon the subscriber at Senn Legal, LLC, PO Box 12279, Charleston, SC 29422, within thirty (30) days after the service of same, exclusive of the day of such service. If you fail to answer the Short Form Complaint within the time aforesaid, Plaintiff in this Action will apply to the Court for the relief demanded and judgment will be taken against you by default.

Signature Page Follows

Respectfully submitted:



Sandra J. Senn (SC Bar No. 15036)
Senn Legal, LLC
PO Box 12279
Charleston, SC 29422
sandy@sennlegal.com

and

Marc J. Bern*
Joseph J. Cappelli*
Margaret E. Cordner*
Carmen A. De Gisi (*Admitted Pro Hac Vice*)
Marc J. Bern & Partners LLP
One Grand Central Place
60 E. 42nd Street, Suite 950
New York, NY 10165
(212) 702-5000
mbern@bernllp.com
opioidlitigation@bernllp.com
** Pro Hac Vice admission to be filed*

Attorneys for City of Charleston

August 15, 2019

Charleston, South Carolina

STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

**IN RE: SOUTH CAROLINA OPIOID
LITIGATION**

This document relates to:

City of Charleston v. Purdue Pharma L.P. et al.,

Case No. _____

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Honorable Perry H. Gravely

SHORT FORM COMPLAINT

JURY TRIAL DEMANDED

Plaintiff City of Charleston files this *Short Form Complaint and Jury Demand* against Defendants named below. Plaintiff incorporates by reference all allegations set forth in *Plaintiffs' Second Master Amended Complaint and Jury Demand* (the "Second Master Amended Complaint"), which was filed on June 14, 2019 in the Greenville County Court of Common Pleas under the case caption: *County of Greenville v. Rite Aid of South Carolina, Inc.*, C.A. No. 2018-CP-23-01294. Plaintiff's Action is part of the *In re: South Carolina Opioid Litigation* proceedings pursuant to the Orders of the South Carolina Supreme Court.

IDENTIFICATION OF PARTIES

1. Plaintiff herein is: City of Charleston, Charleston County, South Carolina.
2. Each and every Defendant named and identified in the Second Master Amended Complaint is made a Defendant herein.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to S.C. Const. art. V § 11 and S.C. Code Ann. §§ 4-1-10; 4-9-25; and 14-1-80.

4. Additionally, this Court has jurisdiction over this Plaintiff's action pursuant to the orders of Chief Justice Beatty of the South Carolina Supreme Court, dated August 9, 2018, and as amended on August 23, 2018 and August 29, 2018.

5. This Court has personal jurisdiction over all of the defendants named herein, consistent with due process and the requirement of South Carolina's long-arm statute.

6. Although these cases have been consolidated for purposes of pretrial matters and discovery, venue for trial of this case is appropriate in Charleston County, South Carolina.

7. Plaintiff's case is not removable to federal court because there is no basis for federal court jurisdiction. Diversity jurisdiction does not exist under 28 U.S.C. § 1332, nor is a federal question presented for purposes of 28 U.S.C. § 1331. Plaintiff is not alleging any federal causes of action.

ALLEGATIONS

8. Plaintiff hereby adopts and incorporates by reference all allegations set forth in the Second Master Amended Complaint as if set forth fully herein.

ADDITIONAL ALLEGATIONS: COUNTY SPECIFIC FACTS

9. In addition to the allegations set forth in the Second Master Amended Complaint, Plaintiff makes the following additional allegations.

10. Plaintiff City of Charleston has a population of more than 132,000 residents.

11. From 2006 through 2012, there were 596,207,074 opioid prescriptions pain pills supplied to Charleston County, South Carolina.

12. From January 1, 2016 to December 31, 2017, there were 159 opioid overdose deaths in Charleston County and EMS administered Narcan 912 times.

13. The opioid prescribing rate, which is the number of opioid prescriptions dispensed per 100 persons, is another indicator of the extent of the opioid problem in the City of Charleston. According to the CDC, the prescribing rate for Charleston County in 2015 was 84.8 prescriptions per 100 persons, the prescribing rate in 2016 was 76 prescriptions per 100 persons, and the prescribing rate in 2017 was 66.1 prescriptions per 100 persons.

14. According to DEA data, Charleston County had the highest concentration of opioid pain pills dispensed of any county in the nation over a span of recent years. An average of 248 pain pills were distributed for every Charleston County resident in every year from 2006 to 2012.

15. Overdoses, addiction, hospitalizations, and other negative effects of the opioid epidemic in Plaintiff's community are ongoing.

CAUSES OF ACTION

16. Plaintiff hereby adopts and incorporates by reference all causes of action set forth in the Second Master Amended Complaint as if set forth fully herein.

17. Those causes of action are as follows:

- i. Violations of the South Carolina Unfair Trade Practices Act, S.C. Code Ann. §§ 39-5-10 *et seq.* (all Defendants);
- ii. Fraud (all Defendants);
- iii. Unjust enrichment (all Defendants);
- iv. Negligence (all Defendants);
- v. Negligent misrepresentation (all Defendants);
- vi. Public nuisance (all Defendants);
- vii. Constructive fraud (all Defendants); and
- viii. Negligence per se (all Defendants).

PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for relief and judgment against all Defendants as set forth in the *Second Master Amended Complaint and Jury Demand* as appropriate.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all counts and as to all issues.

Respectfully submitted:



Sandra J. Senn (SC Bar No.15036)
Senn Legal, LLC
PO Box 12279
Charleston, SC 29422
sandy@sennlegal.com

and

Marc J. Bern*
Joseph J. Cappelli*
Margaret E. Cordner*
Carmen A. De Gisi (*Admitted Pro Hac Vice*)
Marc J. Bern & Partners LLP
One Grand Central Place
60 E. 42nd Street, Suite 950
New York, NY 10165
(212) 702-5000
mbern@bernllp.com
opioidlitigation@bernllp.com
* *Pro Hac Vice* admission to be filed

Attorneys for City of Charleston

August 15, 2019

Charleston, South Carolina